

us. There are those like Khalid Sheikh Mohammed, whose works you just read, who despise us and who desire to kill us. If we do not deal with them fairly, but also according to law, then we've betrayed the tradition of this Nation.

Never ever, in the history of this Nation, have we taken war criminals, people who have committed acts of terrorism under the auspices of an organization—here, al Qaeda—led by a leader—here, Osama bin Laden—that has declared war formally and in writing against the United States and said somebody acting on behalf of that organization, having as an organization declared war against the United States, having engaged then in acts of war, shall be tried in American criminal courts designed to deal with criminals who commit common crimes against other citizens of this Nation. This is a betrayal of our soldiers, and it puts our Nation and puts our soldiers at grave risk.

I believe Attorney General Holder will rue the day they made this decision and rue the day when someone is captured or killed in New York or held hostage as a result of this irresponsible conduct. And even if that doesn't happen, it, alone, is a betrayal of the system we have followed since the founding of this Nation where those accused of war crimes are tried in military tribunals.

Mr. GOHMERT. I appreciate so much my friend's wonderful points.

We understand the President just recently, because of the lack of understanding of our military history and the Nation's history, is perhaps apparently the first President ever to fail to understand and believe that President Truman did the right thing in dropping the two bombs that they did.

And so if you are an apologist for America, you believe that consistently we have done the wrong things, you have never been really proud of America before, you don't know that the Japanese had committed to dig in and had planned to withstand an assault even to the death of every single Japanese person on the island of Japan.

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If you don't know these facts, if you don't know the fact that perhaps millions of lives were saved by dropping those two bombs because it brought the war to an end rather than forcing the Japanese, as their leaders intended to do, to die to the last person to repel an invasion, then you would be an apologist, if you simply don't know the facts. But this puts us further at risk. We just simply cannot bow to this.

The answer will be when the American people respond and let the White House know and let the Department of Justice know. Burn up the phone lines. Let them know by constant calls. I'm not sure I would email this White House since they have shown what they do with the list. But at least burn up the phone lines letting them know that

the Commander in Chief needs to act as a Commander in Chief, and not an apologist in chief and that we should not put our soldiers at further risk by requiring them to gather forensic evidence, that we should not put the people of New York at further risk, and to leave them at Guantanamo to be tried there.

People who understand about war understand that in the whole history of mankind, the precedent is if you as a group declare war on another nation and you or your fellow warriors are captured, then you are held until such time as your fellow group will cease the war, whether it takes years, a 100-year war, a 7-year war, whatever it takes until you convince your people to quit being at war with us, then we hold you until the war is over, and then bring you to trial. That's what the precedent normally is. Whether it's 4 years as World War II, whatever the length of time, we hold you until your people are no longer at war with us as a Nation.

In this case, if you want to rush them, bring them to trial, fine. Do it with a military commission set up under the Military Commissions Act of 2006. We are going to try to amend it so that the President has no choice, so that this President learns you do not have the choice to put New Yorkers at risk.

It breaks my heart to think about the families of those victims of 9/11 and what they will be subjected to. As a judge, I saw the faces of family members who struggled with the aspect of going through and reliving the trauma of the terrible crime that was committed against them. I saw those faces. I heard their great suffering. I'm afraid it's not going to be nearly what that will be collectively of a city the size of New York as they have to relive 9/11 on the island. They have to relive the possibility of further terrorist attacks.

Certainly terrorist attacks will be threatened during the course of the trial. And, of course, you would expect the defense attorneys to wait until Khalid Sheikh Mohammed and these other terrorists have actually put their feet on American soil so they will be granted all the rights of an American citizen such as they were trying to kill as many of as they could. You wait until their feet are on American soil, and then you file your motion to change venue, then you file your motion for discovery, then you file your motions to examine experts and drag those things out as long as you can.

I ended up being asked to take over a civil trial in Texas that several judges had worked on prior to me. It was outside my district. But every judge had been recused for one reason or another. It had gone on for 11 years. I was asked to take it over, and it had been a logistical nightmare. And I was deemed to have done an amazing job in wrapping the case up in 2 years when both parties said when I got into it that they wouldn't bring a case to trial for perhaps 5 years.

But even working as quickly as I did and being as forceful as I was as the judge, not taking any extensions, not granting any type of continuances, forcing everything as quickly as could be done, and yet legally, it still took 2 years to wrap that thing up. And that was considered amazing.

With what is at stake here, the City of New York should suffer no more. No more. I went to New York shortly after 9/11. I saw the suffering. We should not do that to New Yorkers again. My goodness, they have suffered enough.

Having spent 4 years in the Army, being familiar with the military justice system, it isn't a slam dunk for anybody under the UCMJ. There are rights afforded individuals who are tried under the UCMJ. But that is the appropriate place to try people like Khalid Sheikh Mohammed who says "We are terrorists to the bone. So many thanks to God." We can also be thankful to God that all Muslims, in fact, the vast majority, do not feel as Khalid Sheikh Mohammed.

This man does not need to set foot on American soil. We need to have a President that starts acting like a Commander in Chief, not an apologist in chief, so that we can keep America as safe as we have been for the last 8 years and not as the terror will be reintroduced by the reintroduction of these masterminds in America.

With that, Mr. Speaker, I realize my time is now expired, and I would conclude.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. GIFFORDS (at the request of Mr. HOYER) for today on account of illness.

Mr. HEINRICH (at the request of Mr. HOYER) for today.

Ms. KILPATRICK of Michigan (at the request of Mr. HOYER) for today on account of personal business.

Mr. SKELTON (at the request of Mr. HOYER) for today on account of a codel.

Mr. TANNER (at the request of Mr. HOYER) for today and November 17 on account of presiding over the NATO Parliamentary Assembly's Fall Plenary Session.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. GRIFFITH, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, today, November 17, 18, 19 and 20.